



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson, et al.

Art Unit : 3629

Serial No. : 10/624,860

Examiner : Unknown

Filed : July 21, 2003

Title : BUSINESS SOLUTION MANAGEMENT (BSM)

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCEPT FILING OF AN APPLICATION UNDER 37 CFR §1.47(a)

Applicant hereby petitions under 37 CFR §1.47(a) to accept the filing of the above-referenced application, for which one of several joint inventors refuses to join in the application.

Enclosed is 1) a check for \$130 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(h), 2) a copy of a signed declaration including all named inventors except for Charles Nelson, 3) a copy of documents indicating that application papers were mailed to Charles Nelson, and 4) a copy of a telephone record for conversations with Charles Nelson.

Applicant submits that the application should be accepted for filing because the conduct of the only non-signing inventor, Charles Nelson, constitutes a refusal under MPEP 409.03(d). His conduct constitutes a refusal because Charles Nelson has been presented with the application papers in several instances, has not returned a signed declaration, has been uncooperative in signing a declaration, and has stopped responding to messages.

Over the period of at least 10 months, a bona fide effort has been made to present application papers to Charles Nelson. On several instances, a copy of the application papers, including the specification (including the claims), figures, and a declaration were sent to the last

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/25/04

Date of Deposit

Signature

Nancy Grant

NANCY GRANT

Typed or Printed Name of Person Signing Certificate

08/31/2004 HAL111 00000036 10624860

01 FC:1460 130.00 OP

09/24/2004 HLE555 00000013 061050 10624860

Sale Ref: 00000014 DAH: 061050 10624860

01 FC:1051 130.00 DA

known address of Charles Nelson. On July 16, 2003 a copy was sent via FedEx to his last known address; on July 23, 2003 a copy was sent via FedEx to his last known address; and on April 23, 2004 a copy was sent via USPS to his last known address. Never was a response received from Charles Nelson.

On the following dates, voice mail messages were left for Charles Nelson, asking for Charles Nelson to sign a declaration: October 7, 2003; December 16, 2003; February 12, 2004; April 14, 2004; and April 23, 2004. In a few instances, contact had been made with Charles Nelson, however, even on those occasions, Charles Nelson did not agree to sign the declaration (see telephone log).

Thus, the pattern of conduct by Charles Nelson, including being presented with application papers, not signing a declaration, and not responding to numerous messages, constitutes a refusal and the application should be accepted for filing under 37 CFR 1.47(a).

In accordance with 37 CFR 1.47 Charles Nelson's address is submitted. Applicant submits that Charles Nelson's last known address is:


Charles Nelson
615 Terri Court
Gilroy, CA 95020

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

8/25/2004



Joseph Juliano
Reg. No. 54,780

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